IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

LA.App..No. 171 of 2005(C)

LAR.48/1999 of SUB COURT, MANJERI
.....

APPELLANT: 2ND RESPONDENT:

THE SECRETARY, KERALA STATE INDUSTRIAL
DEVELOPMENT CORPORATION, THIRUVANANTHAPURAM.

BY ADV. SRI.V.JAYAPRADEEP, SC, KSIDC

RESPONDENTS: CLAIMANT & 1ST RESPONDENT:
---

1. PARI ABOOBACKER, S/O. ALIKUTTY,
HAJIYARPALLY P.O., MALAPPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

R2 BY GOVERNMENT PLEADER
R1 BY ADV. SRI.BABU S. NAIR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 19/09/2007 ALONG WITH LAA NO. 202 OF 2005 AND CONNECTED CASE, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.171, 202, 204 & 221 of 2005

Dated: September 19, 2007

JUDGMENT

Kurian Joseph, J.

These appeals are at the instance of the requisitioning authority in respect of acquisition of land for the Industrial Growth Centre at Panakkad. S.4(1) notification was published on 14.9.1995. The claimants attempted to rely on the judgment and decree in LAR 62 & 63 of 1999. In the judgment in LAA 195/2005 and 200/2005, this court has already taken note of the fact that even as early as in 1987, the properties in that area had value to the tune of Rs.3700/- per cent and, accordingly, taking note of the proximity to the road, the value has been fixed at Rs.3250/3500 per cent. The Reference Court has treated the said judgment as an indicator for the land value prevailing in the area. Though the learned counsel for the appellant vehemently contended that there is no evidence before the Reference Court to fix the land value at Rs.3000/-, as stated above in the case of acquisition in respect of the nearby properties, the value sustained by this court is Rs.3250/3500 per cent and, therefore, the fixation of Rs.3000/- per cent in these cases is only just and reasonable. Thus there is no merit in these appeals. They are accordingly dismissed.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-

I.A.556/2005 IN LAA 202/2005
AND
I.A.558/2005 IN LAA 204/2005
.....

DISMISSED

19.9.2007 Id/-Kurian Joseph, Judge
Id/- Harun-Ul-Rashid, Judge.